

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kyung-geun LEE

Application No. 10/766,959

Group Art Unit: 2627

Confirmation No. 2509

Filed: January 30, 2004

Examiner: Paul W. Huber

For: RECORDING/REPRODUCING APPARATUS

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in an Office Action mailed on November 15, 2007.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

On page 6, item 7 of the Office Action mailed on November 15, 2007, the Examiner provides Reasons for Allowance. However, the Examiner has not recited the appropriate language for the appropriate claim as pending and allowed in the application. Rather, the Examiner appears to have characterized the allowablility of claim 35, which was pending at the time the Reasons for Allowance was provided, but has since been cancelled without prejudice or disclaimer.

As the stated Reasons for Allowance is no longer applicable for this Application, it is respectfully submitted that the passage should not be a basis for any estoppel or interpretation.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 4/16/2008

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